



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 23 2005

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-145

Andre' L Marais  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1030

**MAILED**  
FEB 23 2005  
OFFICE OF THE DIRECTOR  
TC 3600

In re application of  
Alan S. Fisher et al  
Application No. 09/426,573  
Filed: October 25, 1999  
For: METHOD AND SYSTEM FOR SUPPLYING  
AUTOMATIC STATUS UPDATES USING  
ELECTRONIC MAIL

:  
:  
:  
:  
**DECISION ON REQUEST  
FOR WITHDRAWAL OF  
ATTORNEY**

This is a decision on the request filed on November 15, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Item B).

As to Item B), the reason "Discontinuation of the attorney/client relationship" is not appropriate since it is not clear that the client initiated the discontinuation, or that the client knowingly or freely assents to the transfer to new counsel. A proper reason for withdrawal is enumerated in 37 CFR 10.40(b) subsections (1)-(4) or subsections (1)-(6) of 37 CFR 10.40(c) must be provided.



---

Steven N. Meyers  
Special Programs Examiner  
Patent Technology Center 3600  
(703) 308-3868

SNM/pav: 02/08/05